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EXAMINER

GARG, YOGESH C

ART UNIT PAPER NUMBER

3625

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,254

Applicant(s)

NISHIKADO ET AL.

Examiner

Yogesh C. Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment received on 11/18/2005 is acknowledged and entered. Claims 1-7 and 12 are amended and claims 8-9 and 13-19 are canceled. Currently claims 1-7 and 12 are pending for examination.

Response to Arguments

2.1. Applicant's arguments filed 11/18/2005 concerning rejection of claims 1-7 and 12 (see Remarks, pages 11-16) have been fully considered but they are not persuasive.

The applicant argues (see Remarks, pages 12-14) that his invention is different from the prior art of Qiong because in his invention the proxy always processes the data using the control information regardless of having cached the data or not, that is, the proxy performs the data processing for all requests including a first request and in Qiong, the proxy does not use the applet for the first request but uses the applet for the subsequent requests to process the data which is already cached in the proxy. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., his invention is directed to only first request and not to requests received subsequent to first request). By his own admission, see remarks, pages 12-14 the applicant states that his as well Qiong's systems function similarly for subsequent requests received after the first request) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant further argues (see Remarks, page 14, line 9-page 15, line 2) that

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Qiong does not disclose that respective proxies may include different data processing units and even if the plural proxies receive the same data and the same control information as a response, the respective proxies process the data differently depending on each client using the different data processing units resulting in customized responses. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., respective proxies may include different data processing units and even if the plural proxies receive the same data and the same control information as a response, the respective proxies process the data differently depending on each client using the different data processing units resulting in customized responses) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant's argument (see Remarks, page 15, lines 3-8) regarding prior arts of Barish and Rigney are not persuasive because the deficiencies as claimed by the applicant are not included in the recited claims, as analyzed above.

The applicant further argues (see Remarks, page 15, lines 21-23) that Landsman is silent on updating data depending on the data receiving user and therefore suffers from the same deficiencies relative to the features of the present invention as recited in the claims. The examiner respectfully disagrees. Landsman updates data depending on a specific user (see at least col.12, line 65-col.13, line 25 which clearly discloses that the data to be downloaded is updated based upon the data receiving browser [browser belongs to the user]. If the previously downloaded data in the user's browser cache is not superseded by an updated version the browser downloads the updated files from the server] and it does not suffer from any deficiency

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in view of the analysis provided above with regards to prior art references of Qiong, Rigney and Barish.

In response to the applicant's request for providing a reference disclosing the old and well-known concept of charging the online users for downloading requested information, the examiner refers to US Patent 5,826,241 to Stein et al. (see at least Abstract and col.3, line 5-col.4, line 8 which discloses charging the online users for downloading requested information.).

In view of the foregoing, the rejection of the recited claims is sustainable in view of the prior art references cited in the earlier Office action, that is Qiong, Rigney and Barish, Landsman and Official Notice..

2.2. In view of the current amendments made to claims 1-7 and 12, rejection of claims 1-7 and 1 under 35 USC 112, second paragraph is withdrawn.

2.3. This is a Final rejection.

Claim Rejections - 35 USC § 102

3 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-2 are rejected under 35 U.S.C. 102(a) as being anticipated by Qiong Luo et al.; "Active Query Caching for Database Web Servers"; 18 May, 2000 the article received with the applicant's IDS filed on November 8, 2004, hereinafter referred to Qiong Luo.

Regarding claims 1-2, Qiong Luo discloses a service system including a plurality of server apparatuses, a plurality of client apparatuses and a plurality of data processing relay apparatuses for relaying data communications between said server apparatuses and said

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client apparatuses , wherein each server apparatus comprises request receiving means for receiving a service request issued by a client apparatus, the service request requesting data provided by said server apparatus, an extended data producing means for producing extended data including data requested in said service request and data processing control information indicating how to process the data, and means for transmitting said extended data as a response to said service request, wherein said data processing relay apparatus comprises a means for receiving said service request from said client apparatus to transfer said service request to said server apparatus and receiving said response from said server apparatus, a data processing unit for determining if said received response is said extended data or not, and if said response is extended data, processing said extended data in accordance with said data processing control information included said extended data to produce processed result data, and a means for transmitting said processed result data processed by said data processing unit to said client apparatus as response data to said service, wherein said data processing relay apparatus further comprises a memory unit for storing said extended data received from said server apparatus, wherein said receiving means of said data processing relay apparatus checks, when receiving another service request from said client apparatus, if said extended data corresponding to a response to said another service request is already stored in said memory unit, and if said receiving means determines said extended data is stored in said memory unit, said receiving means stop transferring said another service request to said server apparatus and said data processing unit uses said extended data stored in said memory unit to respond to said another service request (see at least abstract, figure 1, page 1, col.1, line 20-col.4, line 51. Query applet or Cache applets associated with a document in Qiong Luo corresponds to the claimed " prepared or created data processing control information indicative of a processing method of data requested, an extended data including said requested data and

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said data processing control information, and active proxy corresponds to the claimed data processing relay apparatus. The client, server, communication network, proxy and cache applet are all capable of performing all the functions as recited in claims 1 and 2.).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4.1. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Qiong Luo in view of Rigney et al.; "Remote Authentication Dial In User Service (Radius)"; June 2000; received with the applicant's IDS filed on November 8, 2004, hereinafter referred to Rigney and further in view of Barish et al.; "World Wide Web Caching: Trends and Techniques"; May 2000; received with the applicant's IDS filed on November 8, 2004, hereinafter referred to Barish.

Regarding claim 3, Qiong Luo teaches a service system including server, client and data processing relay apparatus [proxy server] with capabilities as analyzed in claims 1-2

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above. Qiong Luo is silent about authentication process where the data processing relay apparatus [proxy server] further comprises an apparatus/server for containing user or group authentication information, receiving user or group authentication information from client, and then processing the authentication process using the contained information and then only in response to the authentication process preparing and sending extended data to the user in response to the service request. However, in the same field of distributing information to clients from web servers and proxy servers Rigney teaches the authentication process (see at least abstract, page 3, last paragraph-page 15, last paragraph). In view of Rigney, it would have been obvious to one of an ordinary skill in the art to have modified Qiong Luo to incorporate the authentication process between clients, proxy servers and web servers because it will allow only registered/authorized users to access the web server/proxy server services and to prevent the fraudulent use. Qiong Luo in view of Rigney does not teach that the users could be in the form of groups. However, Barish, in the same field of endeavor, teaches that users could be in the form of groups (see at least page 180, the heading, " Adaptive Web Caching....." *Adaptive caching consists of multiple distributed caches.....In general, caches are organized into overlapping multicast groups which use voting and feedback techniques to estimate the usefulness of admitting or excluding members from that group.....If the virtual topologies are to be most flexible and have the highest chance of optimizing content access, administrative boundaries must be relaxed so that groups form naturally at proper points in the network*"). In view of Barish, it would have been obvious to one of an ordinary skill in the art to have modified Qiong Luo in view of Rigney to incorporate the feature of authenticating the user from a group because it helps to adapt and organize responses to those scenarios for which demand is very high, such as seeking information about the Olympics or any other sport event.

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4.2 Claims 4-7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qiong Luo in view of Barish, in view of US Patent 6,314,451 to Landsman et al., hereinafter, referred to Landsman and further in view of Official Notice.

Regarding claims 4-6, their limitations are directed to the capabilities of the service system as discussed in claims 1-3 for using software in the data processing relay apparatus [proxy server] to charge users as per instructions form the server with customer specific instructions for the data requested and transmitting those charges to the client . Qiong Luo does not explicitly teach about charging user for the requested content but it is a well-known fact that the online users are charged or required to pay for the specific data that they request, such as requesting stock reports online or specific information from specific web servers. Therefore, examiner takes an Official Notice of the notoriously well-known fact of charging the online users for the information requested by them to be downloaded to their client apparatuses. Qiong Luo teaches [see page 1, col.2 lines 17-page 2, col.3, line 20) that the servers provide cache applet , a piece of Java code, which is an executable code to control the functions being executed at the proxy server as per the instructions from the server. Qiong Luo does not disclose that this cache applet [a piece of java code] can also control the accounting function in charging the consumers. However, in the same field of endeavor, Landsman teaches the use of a cache applet in controlling the accounting function in charging the users (see at least col.13, lines 34-67 which discloses that the AdController, corresponds to cache applet in Qiong Luo; controls the accounting function of each user). In view of Landsman and Official Notice, it would have been obvious to one of an ordinary skill in the art to have modified Qiong Luo to incorporate the capabilities of the service system as discussed in claims 1-3 for using software in the data processing relay apparatus [proxy server] to charge users as per instructions form the server with customer specific instructions for the data requested and

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transmitting those charges to the client because to enable the system to charge the customers and realize payments from them and also that the charging is done as per the instructions of the server which owns and provides the requested content so that nothing is left unknown to the server of the consumer's activities at the proxy server (see Landsman col.7, line 54-col.8, line 40).

Regarding claims 7 and 12, as best understood by the examiner, the limitations are directed to updating the cached data at the data processing relay apparatus [proxy server] by the data processing control information[cache applet] and then the requested data can be searched in the updated data specific to a user. The limitations of searching data specific to a user or group of the user has been already discussed and analyzed in claim 3. Qiong Luo further does not disclose updating the cached data at the data processing relay apparatus [proxy server] by the data processing control information[cache applet]. However, Landsman in the same field of endeavor, discloses updating the cached data at the data processing relay apparatus [proxy server] by the data processing control information[cache applet]. (see at least col.11, line 33-col.13, line 25, ".....Thereafter, the Transition Sensor applet determines whether the Adcontroller applet has been downloaded to the browser disk cache or whether an updated version of this particular applet resides on a distribution server.....". Note: The distribution server corresponds to the claimed sever apparatus, AdController applet corresponds to the claimed data processing control information and the browser disk cache corresponds to the claimed cache of the data processing relay apparatus [proxy server]. In view of Landsman, it would have been obvious to one of an ordinary skill in the art to have modified Qiong Luo to incorporate the feature of updating the cached data at the data processing relay apparatus [proxy server] by the data processing control information[cache

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applet]. Because then the proxy server is totally relieved of any need to update the applet and the data to be provided to the clients.

Landsman updates data depending on a specific user (see at least col.12, line 65-col.13, line 25 which clearly discloses that the data to be downloaded is updated based upon the data receiving browser [browser belongs to the user]. If the previously downloaded data in the user's browser cache is not superseded by an updated version the browser downloads the updated files from the server.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

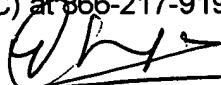
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
1/26/2006